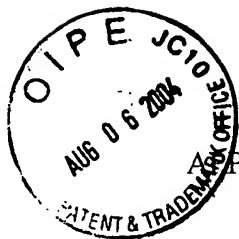


ifw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT: Thomas
A. RUSSELL, et al.

SERIAL NO.: 10/679,158 Group Art Unit: 3739

FILED: October 3, 2003 EXAMINER:

FOR: SURGICAL POSITIONERS

ATTORNEY DOCKET NO.: 50642/287729

DATE: 8/2/04

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the modified Form PTO/SB/08 are cited for consideration by the Examiner. Copies of the non-U.S. patent documents are submitted with this paper.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

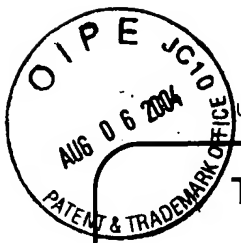
This Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(b), before issuance of a first Office action on the merits. Applicant believes that no fee is due for submission and consideration of this paper. The Commissioner is authorized to charge any fees associated with this filing or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Bertelson", written over a horizontal line.

Michael A. Bertelson
Reg. No. 54,713

KILPATRICK STOCKTON LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309-4530
(404) 815-6291

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/679,158	
	Filing Date	October 3, 2003	
	First Named Inventor	Thomas A. RUSSELL	
	Art Unit	3739	
	Examiner Name		
Total Number of Pages in This Submission		Attorney Docket Number	50642/287729

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO/SB/08 (03 sheets) 2. publications
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

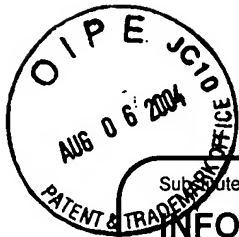
Firm or Individual name	Michael A. Bertelson, Reg. No. 54,713
Signature	
Date	July 29, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Angela M. Rossi		
Signature		Date	8/2/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/08A (10-01)

Van Zile, et al. Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

3

Complete if Known

Application Number

10/379,158

Date Filed:

October 3, 2003

First Named Inventor

Thomas A. RUSSELL

Group Art Unit

3739

Examiner Name

Attorney Docket Number

50642/287729

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY/	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		3,457,922	07/29/1969	Ray	
		5,375,588	12/27/1994	Yoon	
		5,389,101	02/14/1998	Heilbrun, et al.	
		5,603,318	02/18/1997	Heilbrun, et al.	
		5,643,268	07/01/1997	Vilsmeier, et al.	
		5,748,767	05/05/1998	Raab	
		5,769,861	06/23/1998	Vilsmeier	
		5,772,594	06/30/1998	Barrick	
		5,792,147	08/11/1998	Evans, et al.	
		5,799,055	08/25/1998	Peshkin, et al.	
		5,807,252	09/15/1998	Hassfeld, et al.	
		5,836,954	11/17/1998	Heilbrun, et al.	
		5,865,809	02/02/1999	Moennig, et al.	
		5,871,018	02/16/1999	Delp, et al.	
		5,871,445	02/16/1999	Bucholz	
		5,880,976	03/09/1999	DiGioia, III, et al.	
		6,069,932	05/30/2000	Oeshkin, et al.	
		6,083,163	07/04/2000	Wegner, et al.	
		6,146,390	11/14/2000	Heilbrun, et al.	
		6,165,181	12/26/2000	Heilbrun, et al.	
		6,167,296	12/26/2000	Shahidi	
		6,190,320 B1	02/20/2001	Lelong	
		6,198,794 B1	03/06/2001	Peshkin, et al.	
		6,200,316 B1	03/13/2001	Zwirkoski, et al.	
		6,205,411 B1	03/20/2001	DiGioia, III, et al.	
		6,226,548 B1	05/01/2001	Foley, et al.	
		6,235,038 B1	05/22/2001	Hunter, et al.	
		6,236,875 B1	05/22/2001	Bucholz, et al.	
		6,249,581 B1	06/19/2001	Kok	
		6,285,902 B1	09/04/2001	Kienzle, III, et al.	
		6,332,891 B1	12/25/2001	Himes	
		6,347,240 B1	02/12/2002	Foley, et al.	
		6,351,659 B1	02/26/2002	Vilsmeier	
		6,385,475 B1	05/07/2002	Cinquin, et al.	

Examiner
Signature

Date

Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number	10/379,158
Date Filed:	October 3, 2003
First Named Inventor	Thomas A. RUSSELL
Group Art Unit	3739
Examiner Name	
Attorney Docket Number	50642/287729

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-D/D-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6,551,319 B2	04/22/2003	Lieberman	
		US2002/0068942 A1	06/06/2002	Neubauer, et al.	
		US2002/0147455	10/10/2002	Carson	
		US2002/0133175	09/19/2002	Carson	
		US2002/0198451	12/26/2002	Carson	
		US2003/0181918	09/25/2003	Carson	
		US2003/0069591	04/10/2003	Carson	
		US2003/0187351 A1	10/02/2003	Franck, et al.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 3 of 3

Complete if Known

Application Number	10/379,158
Date Filed:	October 3, 2003
First Named Inventor	Thomas A. RUSSELL
Group Art Unit	3739
Examiner Name	
Attorney Docket Number	50642/287729

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		DE296 23 941 U1	11/09/2000	Germany		
		WO 97/23172	07/03/1997	WIPO		
		WO 02/067783	09/06/2002	WIPO		
		WO 02/067784	09/06/2002	WIPO		
		WO 02/067880	09/06/2002	WIPO		
		WO 99/60939	12/02/1999	WIPO		
		WO 00/47103	08/17/2000	WIPO		
		WO 01/91647 A1	12/06/2001	WIPO		Abstract
		DE 42 25 112 C1	12/09/1993	Germany		Abstract
		DE 197 09 960 A1	09/24/1998	Germany		

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Delp, et al., "Computer Assisted Knee Replacement," <i>Clinical Orthopaedics and Related Research</i> , 354:49-56 (1998)	
		DiGiola, et al., « Computer Assisted Orthopaedic Surgery," <i>Clinical Orthopaedics and Related Research</i> , 354:8-16 (1998)	
		Simon, et al., "The Fundamentals of Virtual Fluoroscopy," <i>The Fundamentals of Virtual Fluoroscopy</i> , pp. 57-61 (undated)	
		Stryker Navigation System Brochure entitled "...best alignment for gap kinematics," 2 pages (undated)	
		BrainLab Brochure, pp. 01-28 (undated)	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.